

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**SANDBOX LOGISTICS, LLC; and  
OREN TECHNOLOGIES, LLC,**

**Plaintiffs,**

**V.**

**PROPPANT EXPRESS INVESTMENTS,  
LLC; PROPPANT EXPRESS  
SOLUTIONS, LLC; and LIBERTY  
OILFIELD SERVICES, LLC,**

## Defendants.



**Case No. 4:17-cv-00589**

**DEFENDANTS' UNOPPOSED MOTION TO  
MODIFY THE SCHEDULING ORDER**

Defendants request that the Court modify its Scheduling Order (Doc. 45) to extend the deadlines by two weeks relating to invalidity contentions, exchange of claim terms and constructions, privilege logs, joint claim construction and prehearing statements, amended pleadings, and responses to amended pleadings (*i.e.*, deadline entries 2-7 of the current Order).

In this patent case, the parties have exchanged initial disclosures and preliminary infringement contentions, but Defendants need additional time to prepare their preliminary invalidity contentions. The requested extensions are consistent with the Southern District of Texas model patent scheduling order, which provides six weeks for invalidity contentions, and will not affect any other deadlines.

Defendants request changes to the schedule as follows:

	<b>Current Deadline</b>	<b>Proposed Deadline</b>	
2	<b>July 6, 2017</b>	<b>July 20, 2017</b> [6 weeks after # 1]	<p>Comply with P.R. 3-3 and 3-4: <b>Parties to serve preliminary invalidity contentions</b> and make document production. Thereafter, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R.. 3-7.</p> <p>Add any <b>inequitable conduct allegations</b> to pleadings. Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations to pleadings. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations to pleadings.</p>
3	<b>July 20, 2017</b> [2 weeks after # 2]	<b>August 3, 2017</b> [2 weeks after # 2]	Comply with P.R. 4-1: <b>Parties' exchange of proposed terms and claim elements needing construction.</b>
4	<b>August 10, 2017</b> [3 weeks after # 3]	<b>August 24, 2017</b> [3 weeks after # 3]	<p>Comply with P.R. 4-2: <b>Parties' exchange of preliminary claim constructions and extrinsic evidence.</b></p> <p><b>Privilege Logs</b> to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).</p>
5	<b>September 7, 2017</b> [9 weeks after # 2; 17 weeks after Scheduling Conf.]	<b>September 21, 2017</b> [9 weeks after # 2; 17 weeks after Scheduling Conf.]	<p>Deadline to comply with P.R. 4-3: <b>Filing of joint claim construction and pre-hearing statement.</b></p> <p><b>Disclosure of parties' claim construction experts &amp; service of FED. R. CIV. P. 26(a)(2) materials.</b></p>
6	<b>September 7, 2017</b> [matches # 5]	<b>September 21, 2017</b> [matches # 5]	<b>Deadline for all parties to file amended pleadings (pre-claim construction).</b> It is not necessary to file

			<p>a Motion for Leave to Amend before the deadline to amend pleadings. (It will be necessary to file a Motion for Leave to Amend after this deadline.)</p> <p><b>NOTE:</b> If the amendment would affect preliminary infringement contentions or preliminary invalidity contentions, a motion must be made pursuant to P.R. 3-7 irrespective of whether the amendment is made prior to this deadline.</p>
7	<b>September 21, 2017</b> [2 weeks after #6; generally 19 weeks after Scheduling Conf.]	<b>October 5, 2017</b> [2 weeks after #6; generally 19 weeks after Scheduling Conf.]	<b>Responses to amended pleadings due.</b>

Accordingly, Defendants respectfully request that the Court modify deadlines 2-7 on the Scheduling Order (Doc. 45) as set forth above. Plaintiffs do not oppose this motion.

Respectfully submitted,

Date: June 26, 2017

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**CERTIFICATE OF CONFERENCE**

The undersigned certifies it has conferred with opposing counsel and that opposing counsel indicated that it has no opposition to any of the relief requested in this motion.

By: /s/ Charles B. Walker  
Charles B. Walker

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically and served upon known counsel for the Plaintiffs on June 26, 2017.

By: /s/ Charles B. Walker  
Charles B. Walker